

## Union Calendar No. 556

113TH CONGRESS }  
2d Session

HOUSE OF REPRESENTATIVES

{ REPORT  
113-725

REPORT ON THE ACTIVITIES  
OF THE  
COMMITTEE ON EDUCATION AND  
THE WORKFORCE  
FOR THE  
SECOND SESSION OF THE 113TH CONGRESS  
together with  
MINORITY VIEWS



JANUARY 2, 2015.—Committed to the Committee of the Whole House on  
the State of the Union and ordered to be printed

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WASHINGTON : 2014

## COMMITTEE ON EDUCATION AND THE WORKFORCE

JOHN KLINE, Minnesota, *Chairman*

### Republicans

JOHN KLINE, Minnesota  
*Chairman*  
THOMAS E. PETRI, Wisconsin  
HOWARD P. "BUCK" McKEON, California  
JOE WILSON, South Carolina  
VIRGINIA FOXX, North Carolina  
TOM PRICE, Georgia  
KENNY MARCHANT, Texas  
DUNCAN HUNTER, California  
DAVID P. ROE, Tennessee  
GLENN THOMPSON, Pennsylvania  
TIM WALBERG, Michigan  
MATT SALMON, Arizona  
BRETT GUTHRIE, Kentucky  
SCOTT DESJARLAIS, Tennessee  
TODD ROKITA, Indiana  
LARRY BUCSHON, Indiana  
LOU BARLETTA, Pennsylvania  
JOSEPH J. HECK, Nevada  
MIKE KELLY, Pennsylvania  
SUSAN W. BROOKS, Indiana  
RICHARD HUDSON, North Carolina  
LUKE MESSER, Indiana  
BRADLEY BYRNE, Alabama

### Democrats

GEORGE MILLER, California  
*Senior Democratic Member*  
ROBERT C. "BOBBY" SCOTT, Virginia  
RUBÉN HINOJOSA, Texas  
CAROLYN MCCARTHY, New York  
JOHN F. TIERNEY, Massachusetts  
RUSH HOLT, New Jersey  
SUSAN A. DAVIS, California  
RAÚL M. GRIJALVA, Arizona  
TIMOTHY H. BISHOP, New York  
DAVID LOEBSACK, Iowa  
JOE COURTNEY, Connecticut  
MARCIA L. FUDGE, Ohio  
JARED POLIS, Colorado  
GREGORIO SABLÁN, N. Mariana Islands  
FREDERICA S. WILSON, Florida  
SUZANNE BONAMICI, Oregon  
MARK POCAN, Wisconsin  
MARK TAKANO, California

On October 15, 2013, Representative John A. Yarmuth of Kentucky resigned from the Committee on Education and the Workforce. On October 29, 2013, Representative Mark Pocan of Wisconsin was elected to the Committee on Education and the Workforce. On December 11, 2013, Representative Martha Roby of Alabama resigned from the Committee on Education and the Workforce. On February 14, 2014, Representative Robert E. Andrews of New Jersey resigned from the Committee on Education and the Workforce. On April 1, 2014, Representative Mark Takano of California was elected to the Committee on Education and the Workforce. On April 8, 2014, Representative Bradley Byrne of Alabama was elected to the Committee on Education and the Workforce. On May 29, 2014, Representative Mike Kelly of Pennsylvania was elected to the Committee on Education and the Workforce.

Under rule X, clause (e) of the Rules of House, the jurisdiction of the Committee on Education and the Workforce is as follows: education and labor generally; food programs for children in schools; labor standards and statistics; mediation and arbitration of labor disputes; child labor; regulation or prevention of importation of foreign laborers under contract; workers' compensation; wages and hours of labor; welfare of miners; work incentive programs; convict labor and the entry of goods made by convicts into interstate commerce; vocational rehabilitation; Gallaudet University; and Howard University and Hospital.

## SUBCOMMITTEE ON EARLY CHILDHOOD, ELEMENTARY, AND SECONDARY EDUCATION

TODD ROKITA, Indiana, *Chairman*

JOHN KLINE, Minnesota	DAVID LOEBSACK, Iowa
THOMAS E. PETRI, Wisconsin	<i>Ranking Member</i>
VIRGINIA FOXX, North Carolina	ROBERT C. "BOBBY" SCOTT, Virginia
KENNY MARCHANT, Texas	CAROLYN MCCARTHY, New York
DUNCAN HUNTER, California	SUSAN A. DAVIS, California
DAVID P. ROE, Tennessee	RAÚL M. GRIJALVA, Arizona
GLENN THOMPSON, Pennsylvania	MARCIA L. FUDGE, Ohio
SUSAN W. BROOKS, Indiana	JARED POLIS, Colorado
BRADLEY BYRNE, Alabama	GREGORIO SABLÁN, N. Mariana Islands

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The Subcommittee on Early Childhood, Elementary, and Secondary Education has jurisdiction over all matters from early learning through the high school level, including but not limited to elementary and secondary education, special education, homeless education, and migrant education; overseas dependent schools; career and technical education; school safety and alcohol and drug abuse prevention; school lunch and child nutrition programs; educational research and improvement, including the Institute of Education Sciences; environmental education; pre-service and in-service teacher professional development, including Title II of the Elementary and Secondary Education Act and Title II of the Higher Education Act; early care and education programs including the Head Start Act and the Child Care and Development Block Grant Act; adolescent development and training programs, including but not limited to those providing for the care and treatment of certain at-risk youth, including the Juvenile Justice and Delinquency Prevention Act and the Runaway and Homeless Youth Act; and all matters dealing with child abuse and domestic violence, including the Child Abuse Prevention and Treatment Act and child adoption.

## SUBCOMMITTEE ON HEALTH, EMPLOYMENT, LABOR, AND PENSIONS

DAVID P. ROE, Tennessee, *Chairman*

JOE WILSON, South Carolina	JOHN TIERNEY, Massachusetts
TOM PRICE, Georgia	<i>Ranking Member</i>
KENNY MARCHANT, Texas	RUSH HOLT, New Jersey
MATT SALMON, Arizona	MARK POCAN, Wisconsin
BRETT GUTHRIE, Kentucky	ROBERT C. "BOBBY" SCOTT, Virginia
SCOTT DESJARLAIS, Tennessee	RUBÉN HINOJOSA, Texas
LARRY BUCSHON, Indiana	DAVID LOEBSACK, Iowa
LOU BARLETTA, Pennsylvania	JOE COURTNEY, Connecticut
JOSEPH J. HECK, Nevada	JARED POLIS, Colorado
MIKE KELLY, Pennsylvania	GREGORIO SABLÁN, N. Mariana Islands
SUSAN W. BROOKS, Indiana	FREDERICA S. WILSON, Florida
LUKE MESSER, Indiana	SUZANNE BONAMICI, Oregon
BRADLEY BYRNE, Alabama	

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The Subcommittee on Health, Employment, Labor, and Pensions has jurisdiction over all matters dealing with relationships between employers and employees, including but not limited to the National Labor Relations Act, the Labor-Management Relations Act, and the Labor-Management Reporting and Disclosure Act; the Bureau of Labor Statistics; and employment-related health and retirement security, including pension, health, and other employee benefits and the Employee Retirement Income Security Act (ERISA).<sup>7</sup>

## SUBCOMMITTEE ON HIGHER EDUCATION AND WORKFORCE TRAINING

VIRGINIA FOXX, North Carolina, *Chairwoman*

THOMAS E. PETRI, Wisconsin	RUBÉN HINOJOSA, Texas
HOWARD P. "BUCK" McKEON, California	<i>Ranking Member</i>
GLENN THOMPSON, Pennsylvania	TIMOTHY H. BISHOP, New York
TIM WALBERG, Michigan	FREDERICA S. WILSON, Florida
MATT SALMON, Arizona	SUZANNE BONAMICI, Oregon
BRETT GUTHRIE, Kentucky	MARK TAKANO, California
LOU BARLETTA, Pennsylvania	CAROLYN McCARTHY, New York
JOSEPH J. HECK, Nevada	JOHN F. TIERNEY, Massachusetts
SUSAN W. BROOKS, Indiana	RUSH HOLT, New Jersey
RICHARD HUDSON, North Carolina	SUSAN A. DAVIS, California
LUKE MESSER, Indiana	

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The Subcommittee on Higher Education and Workforce Training has jurisdiction over education and training beyond the high school level, including but not limited to higher education generally, postsecondary student assistance and employment services, and the Higher Education Act; Title IX of the Education Amendments of 1972; all domestic volunteer programs; all programs related to the arts and humanities, museum and library services, and arts and artifacts indemnity; postsecondary career and technical education, apprenticeship programs, and job training, including the Workforce Investment Act, vocational rehabilitation, and training programs from immigration funding; science and technology programs; adult basic education (family literacy); all welfare reform programs, including work incentive programs and welfare-to-work requirements; poverty programs, including the Community Services Block Grant Act and the Low Income Home Energy Assistance Program (LIHEAP); the Native American Programs Act; the Institute of Peace; and all matters dealing with programs and services for the elderly, including nutrition programs and the Older Americans Act.

## SUBCOMMITTEE ON WORKFORCE PROTECTIONS

TIM WALBERG, Michigan, *Chairman*

JOHN KLINE, Minnesota	JOE COURTNEY, Connecticut
TOM PRICE, Georgia	<i>Ranking Member</i>
DUNCAN HUNTER, California	RAÚL M. GRIJALVA, Arizona
SCOTT DESJARLAIS, Tennessee	TIMOTHY H. BISHOP, New York
TODD ROKITA, Indiana	MARCIA L. FUDGE, Ohio
LARRY BUCSHON, Indiana	MARK POCAN, Wisconsin
RICHARD HUDSON, North Carolina	MARK TAKANO, California

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The Subcommittee on Workforce Protections has jurisdiction over wages and hours of workers, including but not limited to the Davis-Bacon Act, the Walsh-Healey Act, the Service Contract Act, and the Fair Labor Standards Act; workers' compensation, including the Federal Employees' Compensation Act, the Longshore and Harbor Workers' Compensation Act, and the Black Lung Benefits Act; the Migrant and Seasonal Agricultural Worker Protection Act; the Family and Medical Leave Act; the Worker Adjustment and Retraining Notification Act; the Employee Polygraph Protection Act of 1988; trade and immigration issues as they impact employers and workers; workers' safety and health, including but not limited to occupational safety and health, mine safety and health, and migrant and agricultural worker safety and health; and all matters related to equal employment opportunity and civil rights in employment.

## LETTER OF TRANSMITTAL

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COMMITTEE ON EDUCATION AND THE WORKFORCE,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, December 23, 2014.*

Hon. KAREN L. HAAS,  
*Clerk of the House,*  
*The Capitol, Washington, DC.*

DEAR MS. HAAS: Pursuant to Rule XI, clause 1, paragraph (d) of the Rules of the U.S. House of Representatives, I hereby transmit the Report on the Activities of the Committee on Education and the Workforce for the Second Session of the 113th Congress. This report summarizes the activities of the committee during the Second Session of the 113th Congress with respect to its legislative and oversight responsibilities. I circulated this report to all members on December 17, 2014, and received minority views, which are included in this report.

Sincerely,

JOHN KLINE,  
*Chairman.*



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## Union Calendar No. 556

113TH CONGRESS } 2d Session }	HOUSE OF REPRESENTATIVES {	REPORT 113-725
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### REPORT ON THE ACTIVITIES OF THE COMMITTEE ON EDUCATION AND THE WORKFORCE FOR THE SECOND SESSION OF THE 113TH CONGRESS

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JANUARY 2, 2015.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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Mr. KLINE, from the Committee on Education and the Workforce,  
submitted the following

#### R E P O R T

together with

#### MINORITY VIEWS

#### INTRODUCTION

Under the leadership of Chairman John Kline (R-MN) in 2014, the House Committee on Education and the Workforce continued its efforts to improve our education system, support working families, and help more Americans pursue a life of prosperity and opportunity. Providing individuals the knowledge and skills necessary to compete in the workforce and encouraging private-sector job growth remained at the forefront of the committee's agenda.

Fixing a broken workforce development system has been a leading committee priority in the 113th Congress. For example in 2013, the committee successfully advanced H.R. 803, Supporting Knowledge and Investing in Lifelong Skills Act. The legislation reflects key principles necessary to a modern workforce training system, such as connecting individuals with in-demand jobs, providing strong accountability over the use of taxpayer dollars, and streamlining a confusing and cumbersome workforce development bureaucracy.

The committee's work continued in 2014, when after months of bipartisan, bicameral discussions, leaders in the House and Senate reached agreement in May 2014 on a proposal to strengthen the federal workforce development system. The resulting legislation,

the Workforce Innovation and Opportunity Act, is the first comprehensive job training reform legislation to pass Congress in more than 15 years. Signed into law on July 22, 2014, the bipartisan law is an important legislative achievement that will help put Americans back to work. The committee is working closely with the administration and key lawmakers to ensure the law is appropriately implemented and will continue to do so in the new Congress.

Building on the success surrounding workforce training, the committee advanced a number of legislative proposals to strengthen higher education. In June, Chairman Kline and Higher Education and Workforce Training Subcommittee Chairwoman Virginia Foxx (R-NC) released a white paper outlining principles to enhance access to postsecondary education, including improving federal student aid, empowering students and families, and promoting innovation, access, and completion.

The committee ushered through the House with strong bipartisan support three bills that begin turning these principles into concrete legislative solutions. For example, the House passed the Advancing Competency-Based Education Demonstration Project Act of 2014 (H.R. 3136) to foster more innovative approaches and improved access to higher education and the Strengthening Transparency in Higher Education Act (H.R. 4983) to help provide students and families the information they need to make smart decisions.

Following more than a year of Senate inaction, the committee considered bipartisan legislation that would allow successful charter school models to be replicated nationwide in order to support more choice, innovation, and excellence in elementary and secondary education. Introduced by Chairman Kline and Senior Democratic Member George Miller (D-CA), the Success and Opportunity through Quality Charter Schools Act (H.R. 10) passed the House on May 9, 2014, with overwhelming bipartisan support.

The committee also advanced legislation enhancing the federal education research structure to help provide states better information and data to raise student achievement. Introduced by Early Childhood, Elementary, and Secondary Education Subcommittee Chairman Todd Rokita (R-IN) and Ranking Member Carolyn McCarthy (D-NY), the Strengthening Education through Research Act (H.R. 4366) passed the House in May 2014.

The committee also bolstered our commitment to protecting vulnerable youth, with the House passing several bipartisan proposals authored by committee members that will help identify and support youth who are victims of sex trafficking. Additionally, committee leaders championed legislation to improve child care support for low-income families. Signed into law on November 19, 2014, a bipartisan, bicameral agreement reformed and reauthorized—for the first time in almost 20 years—the Child Care and Development Block Grant Act of 2014 to expand transparency, strengthen health and safety protections, and enhance the quality of care.

As the committee worked to enact bold education reforms and champion the safety of our nation's youth, it also advanced policies to roll back the job-destroying agenda of the National Labor Relations Board (NLRB). In recent years, the NLRB has pushed an ambush union election scheme that will stifle employer free speech, cripple worker free choice, and jeopardize the privacy of workers

and their families (ambush elections). The board is also creating division amongst workers and tying employers up in union red tape by adhering to its unprecedented Specialty Healthcare decision.

Two legislative proposals were introduced in response to the NLRB's radical activism. First, the committee passed the Workforce Democracy and Fairness Act (H.R. 4320). Introduced by Chairman Kline, the bill will ensure all parties—employers, workers, and union leaders—have access to a fair union election process. During committee consideration, the legislation was amended to address the board's Specialty Healthcare decision, codifying policies that have served workplaces well for decades.

Second, the committee advanced legislation to protect the privacy of working families. The NLRB's ambush election rule would provide union leaders a host of employee personal information, including home addresses, work schedules, and email addresses. Health, Employment, Labor, and Pensions Subcommittee Chairman Phil Roe (R-TN) introduced the Employee Privacy Protection Act (H.R. 4321) to empower employees in controlling the disclosure of their personal information. Committee members firmly believe the privacy of our nation's workers should be strengthened, not weakened by an unelected labor board.

Committee leaders also took decisive action to avoid a looming pension crisis that would destroy jobs and diminish the retirement security of millions of Americans. After more than two years of legislative work—including six hearings and months of negotiations, Chairman Kline and Senior Democratic Member George Miller unveiled a multiemployer pension reform agreement that provides trustees new tools to rescue multiemployer plans facing insolvency. Included as part of the 2015 omnibus spending bill, the bipartisan agreement will help avert a devastating crisis and protect the best interests of workers, employers, retirees, and taxpayers.

In addition to crafting and advancing commonsense legislation, the committee has also promoted its agenda for students and working families through aggressive oversight. Too often the policies of the Obama administration make it more difficult for schools to provide the quality education students need and for businesses to create jobs.

The committee worked to hold the administration accountable for policies that: (1) deny students access to the school of their choice (gainful employment); (2) give the federal government unprecedented control over the nation's classrooms (conditional waivers); (3) discard a franchise business model that has served employers, workers, and consumers for decades (joint employer); and (4) threaten employers with costly audits and litigation without any evidence of wrongdoing (enforcement actions of the Equal Employment Opportunity Commission).

In the 114th Congress, the committee will continue to challenge the administration whenever its priorities hurt the strength and competitiveness of the nation's classrooms and workplaces. The committee will also continue looking for opportunities to forge bipartisan consensus and advance commonsense reforms that will help all Americans pursue opportunity and prosperity for their families.

## FULL COMMITTEE

### HEARINGS

In the second session of the 113th Congress, nine full committee hearings were held, including two field hearings.

*February 5, 2014—“The Foundation for Success: Discussing Early Childhood Education and Care in America”*

The purpose of the hearing was to discuss federal investment in early childhood development and explore opportunities to better support the nation’s youngest citizens.

Witnesses: Ms. Kay E. Brown, Director for Education, Workforce, and Income Security Issues, Government Accountability Office, Washington, D.C.; Dr. Grover J. “Russ” Whitehurst, Senior Fellow & Director of the Brown Center on Education Policy, Brookings Institution, Washington, D.C.; Ms. Harriet Dichter, Executive Director, Delaware Office of Early Learning, Wilmington, Delaware; and Dr. Elanna S. Yalow, Chief Executive Officer, Knowledge Universe Early Learning Programs, Portland, Oregon.

*March 5, 2014—“Culture of Union Favoritism: The Return of the NLRB’s Ambush Election Rule”*

The purpose of the hearing was to examine the February 6, 2014, proposed ambush election rule, which would considerably shorten the time between the filing of the petition and the election date as well as substantially limit the opportunity for a full evidentiary hearing or National Labor Relations Board (NLRB) resolution of contested issues, including appropriate bargaining unit, voter eligibility, and election misconduct.

Witnesses: Ms. Doreen S. Davis, Partner, Jones Day, New York, New York; Mr. Steve Browne, Vice President of Human Resources, LaRosa, Cincinnati, Ohio; Ms. Caren P. Sencer, Shareholder, Weinberg, Roger & Rosenfeld P.C., Alameda, California; and Mr. William Messenger, Staff Attorney, National Right to Work Legal Defense Foundation, Inc., Springfield, Virginia.

*March 12, 2014—“Raising the Bar: The Role of Charter Schools in K–12 Education”*

The purpose of the hearing was to highlight the role charter schools play in improving K–12 education and to discuss innovative public school choice models from across the country.

Witnesses: Dr. Deborah McGriff, Chair of the Board, National Alliance for Public Charter Schools, Milwaukee, Wisconsin; Mrs. Lisa Graham Keegan, Chair of the Board, National Association of Charter School Authorizers, Peoria, Arizona; Mr. David Linzey, Executive Director, Clayton Valley Charter High School, Concord, California; Ms. Alyssa Whitehead-Bust, Chief of Innovation and Reform, Denver Public Schools, Denver, Colorado; and Mr. Alan Rosskamm, Chief Executive Officer, Breakthrough Schools, Cleveland, Ohio.

*March 18, 2014—“Reviving Our Economy: How Career and Technical Education Can Strengthen the Workforce”* (Field Hearing in Las Vegas, Nevada)

The purpose of this hearing was to discuss ways education and skills training can strengthen our economy and to talk with community leaders about state and local solutions to education and workforce needs.

Witnesses: Ms. Felicia Nemcek, Principal, Southwest Career and Technical Academy, Las Vegas, Nevada; Dr. Michael Spangler, Dean, School of Advanced & Applied Technologies-College of Southern Nevada, North Las Vegas, Nevada; Ms. Kacy Qua, Founder and Chief Executive Officer, Qualifyor, Las Vegas, Nevada; Mr. Alan Aleman, Student, College of Southern Nevada, North Las Vegas, Nevada; Professor Angela Morrison, Visiting Professor, William S. Boyd School of Law, University of Nevada-Las Vegas, Las Vegas, Nevada; and Mr. Frank R. Woodbeck, Director, Nevada Department of Employment, Training & Rehabilitation, Las Vegas, Nevada.

*March 20, 2014—“Reviving our Economy: Supporting a 21st Century Workforce”* (Field Hearing in Mesa, Arizona)

The purpose of the hearing was to explore the role of local higher education institutions in fostering job creation and growth through innovative partnerships with the business community and new modes of teaching delivery.

Witnesses: The Honorable Rick Heumann, Vice Mayor, City of Chandler, Arizona; Ms. Cathleen Barton, Education Manager, Intel Corporate Affairs, Southwestern United States, Intel Corporation, Chandler, Arizona; Mr. Lee D. Lambert, J.D., Chancellor, Pima Community College, Tucson, Arizona; Dr. William Pepicello, President, University of Phoenix, Tempe, Arizona; Dr. Michael Crow, President, Arizona State University, Tempe, Arizona; Dr. Ann Weaver Hart, President, The University of Arizona, Tucson, Arizona; Dr. Ernest A. Lara, President, Estrella Mountain Community College, Avondale, Arizona; and Ms. Christy Farley, Vice President of Government Affairs and Business Partnerships, Northern Arizona University, Phoenix, Arizona.

*March 26, 2014—“Reviewing the President’s Fiscal Year 2015 Budget Proposal for the Department of Labor”*

The purpose of this hearing was to examine the president’s fiscal year 2015 budget request for the U.S. Department of Labor.

Witness: The Honorable Thomas E. Perez, Secretary, U.S. Department of Labor, Washington, D.C.

*April 2, 2014—“Keeping College Within Reach: Meeting the Needs of Contemporary Students”*

The purpose of the hearing was to examine how institutions, states, and other entities assist contemporary college students in accessing and completing postsecondary education.

Witnesses: Dr. George A. Pruitt, President, Thomas Edison State College, Trenton, New Jersey; Dr. Kevin Gilligan, Chairman and Chief Executive Officer, Capella Education Company, Minneapolis, Minnesota; Mr. David Moldoff, Chief Executive Officer and Founder, AcademyOne, Inc., West Chester, Pennsylvania; Dr. Joann A.

Boughman, Senior Vice Chancellor for Academic Affairs, University System of Maryland, Adelphi, Maryland; Mr. Stan Jones, President, Complete College America, Indianapolis, Indiana; and Dr. Brooks A. Keel, President, Georgia Southern University, Statesboro, Georgia.

*April 29, 2014—“Reviewing the President’s Fiscal Year 2015 Budget Proposal for the Department of Education”*

The purpose of this hearing was to examine the president’s fiscal year 2015 budget request for the U.S. Department of Education.

Witness: The Honorable Arne Duncan, Secretary, U.S. Department of Education, Washington, D.C.

*May 8, 2014—“Big Labor on College Campuses: Examining the Consequences of Unionizing Student Athletes”*

The purpose of this hearing was to discuss the negative effects of a recent National Labor Relations Board decision allowing the unionization of student athletes.

Witnesses: The Honorable Ken Starr, President and Chancellor, Baylor University, Waco, Texas; Mr. Bradford L. Livingston, Partner, Seyfarth Shaw LLP, Chicago, Illinois; Mr. Andy Schwarz, Partner, OSKR LLC, Emeryville, California; Mr. Bernard M. Muir, Director of Athletics, Stanford University, Stanford, California; and Mr. Patrick C. Eilers, Managing Director, Madison Dearborn Partners, Chicago, Illinois.

MARKUPS

In the second session of the 113th Congress, the full committee held seven markups and one business meeting. The committee filed seven legislative reports. No subcommittee markups were held.

*April 8, 2014—H.R. 4366, Strengthening Education Through Research Act* (Sponsor: Rep. Todd Rokita)

H.R. 4366 was ordered favorably reported to the House, as amended, by voice vote on April 8, 2014. The committee report was filed on April 29, 2014 (House Report 113–424).

*April 8, 2014—H.R. 10, Success and Opportunity Through Quality Charter Schools Act* (Sponsor: Rep. John Kline)

H.R. 10 was ordered favorably reported to the House, as amended, by a vote of 36–3 on April 8, 2014. The committee report was filed on April 29, 2014 (House Report 113–423).

*April 9, 2014—H.R. 4321, Employee Privacy Protection Act* (Sponsor: Rep. David P. Roe)

H.R. 4321 was ordered favorably reported to the House, as amended, by a vote of 21–17 on April 9, 2014. The committee report was filed on September 9, 2014 (House Report 113–583).

*April 9, 2014—H.R. 4320, Workforce Democracy and Fairness Act* (Sponsor: Rep. John Kline)

H.R. 4320 was ordered favorably reported to the House, as amended, by a vote of 21–14 on April 9, 2014. The committee report was filed on December 9, 2014 (House Report 113–653).

*June 24, 2014—Meeting to assign recently elected Members to subcommittees.*

*July 10, 2014—H.R. 3136, Advancing Competency-Based Education Demonstration Project Act of 2014* (Sponsor: Rep. Matt Salmon)

H.R. 3136 was ordered favorably reported to the House, as amended, by voice vote on July 10, 2014. The committee report was filed on July 17, 2014 (House Report 113–529).

*July 10, 2014—H.R. 4984, Empowering Students Through Enhanced Financial Counseling Act* (Sponsor: Rep. Brett Guthrie)

H.R. 4984 was ordered favorably reported to the House, as amended, by voice vote on July 10, 2014. The committee report was filed on July 17, 2014 (House Report 113–531).

*July 10, 2014—H.R. 4983, Strengthening Transparency in Higher Education Act* (Sponsor: Rep. Virginia Foxx)

H.R. 4983 was ordered favorably reported to the House, as amended, by voice vote on July 10, 2014. The committee report was filed on July 17, 2014 (House Report 113–530).

#### SUBCOMMITTEE ON EARLY CHILDHOOD, ELEMENTARY, AND SECONDARY EDUCATION

##### HEARINGS

In the second session of the 113th Congress, the Subcommittee on Early Childhood, Elementary, and Secondary Education held five hearings, including three joint hearings.

*February 27, 2014—“Exploring Efforts to Strengthen the Teaching Profession”* (Joint Hearing with the Subcommittee on Higher Education and Workforce Training)

The purpose of the hearing was to discuss the state of teacher preparation nationwide.

Witnesses: Dr. Deborah A. Gist, Commissioner, Rhode Island Department of Elementary and Secondary Education, Providence, Rhode Island; Dr. Marcy Singer-Gabella, Professor of the Practice of Education, Vanderbilt University, Nashville, Tennessee; Dr. Heather Peske, Associate Commissioner for Educator Quality, Massachusetts Department of Elementary and Secondary Education, Malden, Massachusetts; and Ms. Christina Hall, Co-Founder and Co-Director, Urban Teacher Center, Baltimore, Maryland.

*March 25, 2014—“The Foundation for Success: Strengthening the Child Care and Development Block Grant Program”*

The purpose of this hearing was to discuss the committee’s priorities for reauthorizing the Child Care and Development Block Grant Act and examine opportunities to improve the quality of the program’s child care services.

Witnesses: Ms. Paula Koos, Executive Director, Oklahoma Child Care Resource & Referral Association, Inc. Oklahoma City, Oklahoma; Mrs. Linda Kostantenaco, President, National Child Care Association, Washington, D.C.; Dr. Olivia Golden, Executive Director, Center for Law and Social Policy, Washington, D.C.; and Ms. Gloria Jarmon, Deputy Inspector General for Audit Services, Office

of the Inspector General, U.S. Department of Health and Human Services, Washington, D.C.

*June 25, 2014—“How Data Mining Threatens Student Privacy”*  
(Joint Hearing with the Committee on Homeland Security’s  
Subcommittee on Cybersecurity, Infrastructure Protection, and  
Security Technologies)

The purpose of this hearing was to examine the mining and retention of student data and the potential privacy and security risks this poses to students’ personally identifiable information.

Witnesses: Mr. Joel R. Reidenberg, Stanley D. and Nikki Waxberg, Chair and Professor of Law, Founding Academic Director, Center on Law and Information Policy, Fordham University School of Law, New York, New York; Mr. Mark MacCarthy, Vice President, Public Policy, Software and Information Industry Association, Washington, D.C.; Ms. Joyce Popp, Chief Information Officer, Idaho State Department of Education, Boise, Idaho; and Mr. Thomas Murray, State and District Digital Learning Policy and Advocacy Director, Alliance for Excellent Education, Washington, D.C.

*July 15, 2014—“Protecting America’s Youth: An Update from the National Center for Missing and Exploited Children”*

The purpose of this hearing was to discuss the ongoing work of the National Center for Missing and Exploited Children to protect children and return victims to their families.

Witness: Mr. John D. Ryan, President and Chief Executive Officer, National Center for Missing & Exploited Children, Alexandria, Virginia.

*September 10, 2014—“Improving Department of Education Policies and Programs Through Independent Oversight”* (Joint Hearing with the Subcommittee on Higher Education and Workforce Training)

The purpose of this hearing was to discuss recommendations from the Government Accountability Office and the U.S. Department of Education Office of Inspector General on ways to improve department services and save taxpayer dollars.

Witnesses: The Honorable Kathleen Tighe, Inspector General, U.S. Department of Education, Washington, D.C.; and Ms. Jacqueline Nowicki, Acting Director, Education, Workforce and Income Security Issues, U.S. Government Accountability Office, Boston, Massachusetts; accompanied by Ms. Melissa Emrey-Arras, Director, Education, Workforce and Income Security Issues, U.S. Government Accountability Office, Boston, Massachusetts.

#### SUBCOMMITTEE ON HEALTH, EMPLOYMENT, LABOR, AND PENSIONS

##### HEARINGS

In the second session of the 113th Congress, the Subcommittee on Health, Employment, Labor, and Pensions held four hearings, including one field hearing.

*February 26, 2014—“Providing Access to Affordable, Flexible Health Plans through Self-Insurance”*

The purpose of this hearing was to examine the benefits of self-insurance and discuss concerns about regulating stop-loss insurance at the federal level.

Witnesses: Mr. Michael Ferguson, President and CEO, Self-Insurance Institute of America (SIIA), Simpsonville, South Carolina; Mr. Wes Kelley, Executive Director, Columbia Power and Water Systems, Columbia, Tennessee; Ms. Maura Calsyn, Director of Health Policy, Center for American Progress, Washington, D.C.; and Mr. Robert Melillo, National Vice President of Risk Financing Solutions, USI Insurance, Glastonbury, Connecticut.

*June 24, 2014—“What Should Workers and Employers Expect Next From the National Labor Relations Board?”*

The purpose of this hearing was to discuss the continued oversight of the National Labor Relations Board and its commitment to defending the rights of workers and employers.

Witnesses: Mr. Andrew F. Puzder, CEO, CKE Restaurants, Carpinteria, California; Mr. Seth H. Borden, Partner, McKenna Long & Aldridge LLP, New York, New York; Mr. James Coppess, Associate General Counsel, AFL-CIO, Washington, D.C.; and Mr. G. Roger King, Of Counsel, Jones Day, Columbus, Ohio.

*September 4, 2014—“The Effects of the President’s Health Care Law on Indiana’s Classrooms and Workplaces” (Field Hearing in Greenfield, Indiana)*

The purpose of this hearing was to learn how the health care law is affecting Indiana’s schools and workplaces.

Witnesses: Mr. Mike Shafer, Chief Financial Officer Zionsville Community Schools, Zionsville, Indiana; Mr. Tom Snyder, President, Ivy Tech Community College, Indianapolis, Indiana; Mr. Danny Tanoos, Superintendent, Vigo County School Corporation, Terre Haute, Indiana; Mr. Tom Forkner, President, Anderson Federation of Teachers, AFT Local 519, Anderson, Indiana; Mr. Mark DeFabis, President and Chief Executive Officer, Integrated Distribution Services, Plainfield, Indiana; Mr. Nate LaMar, International Regional Manager, Draper, Inc., Spiceland, Indiana; Mr. Dan Wolfe, Owner, Wolfe’s Auto Auction, Terre Haute, Indiana; and Dr. Robert Stone, Director of Palliative Care, IU Health Bloomington Hospital, Bloomington, Indiana.

*September 9, 2014—“Expanding Joint Employer Status: What Does it Mean for Workers and Job Creators?”*

The purpose of this hearing was to examine efforts by the National Labor Relations Board to rewrite how the agency determines joint employer status under the National Labor Relations Act.

Witnesses: Mr. Todd Duffield, Shareholder, Ogletree, Deakins, Nash, Smoak & Stewart, PC, Atlanta, Georgia; Mr. Clint Ehlers, Owner, FASTSIGNS of Lancaster and Willow Grove, Lancaster and Willow Grove, Pennsylvania, testifying on behalf of the International Franchise Association; Mr. Harris Freeman, Professor of Legal Research and Writing, Western New England University School of Law, Springfield, Massachusetts; Ms. Catherine Monson, Chief Executive Officer, FASTSIGNS International, Inc.,

Carrollton, Texas, testifying on behalf of the International Franchise Association; Mrs. Jagruti Panwala, Owner, Multiple Hotel Franchises, Bensalem, Pennsylvania, testifying on behalf of the Asian American Hotel Owners Association.

SUBCOMMITTEE ON HIGHER EDUCATION AND WORKFORCE TRAINING  
HEARINGS

In the second session of the 113th Congress, the Subcommittee on Higher Education and Workforce Training held five hearings, including two joint hearings.

*January 28, 2014—“Keeping College Within Reach: Sharing Best Practices for Serving Low-Income and First Generation Students”*

The purpose of the hearing was to highlight best practices at institutions of higher education for serving low-income and first generation students.

Witnesses: Dr. James Anderson, Chancellor, Fayetteville State University, Fayetteville, North Carolina; Mrs. Mary Beth Del Balzo, Senior Executive Vice President and Chief Executive Officer, The College of Westchester, White Plains, New York; Mr. Josse Alex Garrido, Graduate Student, University of Texas—Pan American, Edinburg, Texas; and Rev. Dennis H. Holtschneider, President, DePaul University, Chicago, Illinois.

*February 11, 2014—“Serving Seniors through the Older Americans Act”*

The purpose of the hearing was to examine the programs and services provided under the Older Americans Act and discuss priorities for reauthorization.

Witnesses: Ms. Carol V. O’Shaughnessy, Principal Policy Analyst, National Health Policy Forum, Washington, D.C.; Mrs. Lynn Kellogg, Chief Executive Officer, Region IV Area Agency on Aging, St. Joseph, Michigan; Dr. Yanira Cruz, President and CEO, National Hispanic Council on Aging, Washington, D.C.; and Mrs. Denise Niese, Executive Director, Wood County Committee on Aging, Inc., Bowling Green, Ohio.

*February 27, 2014—“Exploring Efforts to Strengthen the Teaching Profession” (Joint Hearing with the Subcommittee on Early Childhood, Elementary, and Secondary Education)*

The purpose of the hearing was to discuss the state of teacher preparation nationwide.

Witnesses: Dr. Deborah A. Gist, Commissioner, Rhode Island Department of Elementary and Secondary Education, Providence, Rhode Island; Dr. Marcy Singer-Gabella, Professor of the Practice of Education, Vanderbilt University, Nashville, Tennessee; Dr. Heather Peske, Associate Commissioner for Educator Quality, Massachusetts Department of Elementary and Secondary Education, Malden, Massachusetts; and Ms. Christina Hall, Co-Founder and Co-Director, Urban Teacher Center, Baltimore, Maryland.

*March 12, 2014—“Examining the Mismanagement of the Student Loan Rehabilitation Process”*

The purpose of the hearing was to examine the U.S. Department of Education’s ability to oversee the processing of rehabilitated loans issued under the Direct Loan program.

Witnesses: Ms. Melissa Emrey-Arras, Director of Education, Workforce, and Income Security Issues, U.S. Government Accountability Office, Boston, Massachusetts; The Honorable Kathleen Tighe, Inspector General, U.S. Department of Education, Washington, D.C.; Mr. James Runcie, Chief Operating Officer, Federal Student Aid, U.S. Department of Education, Washington, D.C.; and Ms. Peg Julius, Executive Director of Enrollment Management, Kirkwood Community College, Cedar Rapids, Iowa.

*September 10, 2014—“Improving Department of Education Policies and Programs through Independent Oversight” (Joint Hearing with the Subcommittee on Early Childhood, Elementary, and Secondary Education)*

The purpose of this hearing was to discuss recommendations from the Government Accountability Office and the U.S. Department of Education Office of Inspector General on ways to improve department services and save taxpayer dollars.

Witnesses: The Honorable Kathleen Tighe, Inspector General, U.S. Department of Education, Washington, D.C.; and Ms. Jacqueline Nowicki, Acting Director, Education, Workforce and Income Security Issues, U.S. Government Accountability Office, Boston, Massachusetts, accompanied by Ms. Melissa Emrey-Arras, Director, Education, Workforce and Income Security Issues, U.S. Government Accountability Office, Boston, Massachusetts.

## SUBCOMMITTEE ON WORKFORCE PROTECTIONS

### HEARINGS

In the second session of the 113th Congress, the Subcommittee on Workforce Protections held five hearings, including two legislative hearings.

*February 4, 2014—“OSHA’s Regulatory Agenda: Changing Long-Standing Policies Outside the Public Rulemaking Process”*

The purpose of this hearing was to discuss instances in which the Occupational Safety and Health Administration (OSHA) has significantly altered standards outside the formal regulatory process.

Witnesses: Mr. Bradford Hammock, Shareholder, Jackson Lewis P.C., Reston, Virginia, testifying on behalf of the U.S. Chamber of Commerce; Mr. Scott VanderWal, President, South Dakota Farm Bureau, Huron, South Dakota; Ms. Randy Rabinowitz, Attorney at Law, Washington, D.C.; and Mr. Maury Baskin, Shareholder, Litler Mendelson PC, Washington, D.C., testifying on behalf of the National Association of Manufacturers and the Associated Builders and Contractors.

*March 13, 2014—H.R. 3633, “Protecting Health Care Providers from Increased Administrative Burdens Act”*

The purpose of this hearing was to provide members an opportunity to examine legislation addressing Office of Federal Contract Compliance Programs recent attempts to target health providers.

Witnesses: Mr. Thomas Carrato, President, Health Net Federal Services, Arlington, Virginia; Mr. David Goldstein, Shareholder, Littler Mendelson P.C., Minneapolis, Minnesota; Ms. Fatima Goss Graves, Vice President for Education and Employment, National Women’s Law Center, Washington, D.C.; and Mr. Curt Kirschner, Partner, Jones Day, San Francisco, California, testifying on behalf of the American Hospital Association.

*June 10, 2014—“The Regulatory and Enforcement Priorities of the EEOC: Examining the Concerns of Stakeholders”*

The purpose of this hearing was to provide members an opportunity to continue oversight of the U.S. Equal Employment Opportunity Commission’s (EEOC) enforcement and regulatory priorities by examining the concerns of key stakeholders.

Witnesses: Ms. Lucia Bone, Founder, Sue Weaver C.A.U.S.E., Flower Mound, Texas; Ms. Sherrilyn Ifill, President and Director-Counsel, NAACP Legal Defense and Education Fund, New York, New York; Mr. Todd McCracken, President, National Small Business Association, Washington, D.C.; and Ms. Camille Olson, Partner, Seyfarth Shaw LLP; Chicago, Illinois.

*July 23, 2014—“Improving the Federal Wage and Hour Regulatory Structure”*

The purpose of this hearing was to examine the growth of litigation related to the Fair Labor Standards Act and current compliance assistance efforts.

Witnesses: Dr. Andrew Sherrill, Director of Education, Workforce, and Income Security, U.S. Government Accountability Office, Washington, D.C.; Ms. Nancy McKeague, Senior Vice President of Employer and Community Strategies, and Chief Human Resources Officer, Michigan Health and Hospital Association, Okemos, Michigan, testifying on behalf of the Society for Human Resource Management; Ms. Judith Conti, Federal Advocacy Coordinator, National Employment Law Project, Washington, D.C.; and The Honorable Paul DeCamp, Shareholder, Jackson Lewis P.C., Washington, D.C.

*September 17, 2014—H.R. 4959, “EEOC Transparency and Accountability Act,” H.R. 5422, “Litigation Oversight Act of 2014,” and H.R. 5423, “Certainty in Enforcement Act of 2014”*

The purpose of this hearing was to discuss a number of legislative proposals that would bring greater transparency and accountability to the Equal Employment Opportunity Commission (EEOC).

Witnesses: Ms. Lynn A. Clements, Director, Regulatory Affairs, Berkshire Associates, Inc., Columbia, Maryland; Mr. Eric S. Dreiband, Partner, Jones Day, Washington, D.C.; Mr. Michael L. Foreman, Director, Civil Rights Appellate Clinic, The Pennsylvania State University, Dickinson School of Law, State College, Pennsylvania; and Mr. William F. Lloyd, General Counsel, Deloitte LLP, New York, New York.

## LEGISLATION REFERRED TO COMMITTEE WITH HOUSE PASSAGE

- H.R. 10, Success and Opportunity Through Quality Charter Schools Act* (Sponsor: Rep. John Kline), May 9, 2014.
- H.R. 3136, Advancing Competency-Based Education Demonstration Project Act of 2014* (Sponsor: Rep. Matt Salmon), July 23, 2014.
- H.R. 3610, Stop Exploitation Through Trafficking Act of 2014* (Sponsor: Rep. Erik Paulsen), May 20, 2014.
- H.R. 3896, Longshore and Harbor Workers' Compensation Clarification Act of 2014* (Sponsor: Rep. Debbie Wasserman Schultz), July 29, 2014.
- H.R. 4275, Cooperative and Small Employer Charity Pension Flexibility Act* (Sponsor: Rep. Susan Brooks), March 24, 2014.
- H.R. 4366, Strengthening Education Through Research Act* (Sponsor: Rep. Todd Rokita), May 8, 2014.
- H.R. 4414, Expatriate Health Coverage Clarification Act of 2014* (Sponsor: Rep. John Carney, Jr.), April 29, 2014.
- H.R. 4983, Strengthening Transparency in Higher Education Act* (Sponsor: Rep. Virginia Foxx), July 23, 2014.
- H.R. 4984, Empowering Students Through Enhanced Financial Counseling Act* (Sponsor: Rep. Brett Guthrie), July 24, 2014.
- H.R. 5021, Highway Trust Fund Expansion* (Sponsor: Rep. Dave Camp), July 15, 2014.
- H.R. 5076, Enhancing Services for Runaway and Homeless Victims of Youth Trafficking Act* (Sponsor: Rep. Joseph Heck), July 23, 2014.
- H.R. 5081, Strengthening Child Welfare Response to Trafficking Act of 2014* (Sponsor: Rep. Karen Bass), July 25, 2014.
- H.R. 5111, To Improve the Response to Victims of Child Sex Trafficking* (Sponsor: Rep. Joyce Beatty), July 24, 2014. (Related House bill—H.R. 3905).
- H.R. 5134, To extend the National Advisory Committee on Institutional Quality and Integrity and the Advisory Committee on Student Financial Assistance for one year* (Sponsor: Rep. Virginia Foxx), July 23, 2014.
- H.R. 5771, Tax Increase Prevention Act of 2014* (Sponsor: Rep. Dave Camp), December 3, 2014.
- S. 1799, Victims of Child Abuse Act Reauthorization Act of 2013* (Sponsor: Sen. Christopher Coons), July 28, 2014.

## LEGISLATION REFERRED TO COMMITTEE ENACTED INTO LAW

- P.L. 113–97, H.R. 4275, Cooperative and Small Employer Charity Pension Flexibility Act* (Sponsor: Rep. Susan Brooks), April 7, 2014. (Related House bill: H.R. 2134, Charitable Pension Flexibility Act of 2013 (Sponsor: Rep. Susan Brooks)).
- P.L. 113–128, H.R. 803, Workforce Innovation and Opportunity Act* (Sponsor: Rep. Virginia Foxx), July 22, 2014.
- P.L. 113–159, H.R. 5021, Highway Trust Fund Expansion* (Sponsor: Rep. Dave Camp), August 8, 2014.
- P.L. 113–163, S. 1799, Victims of Child Abuse Act Reauthorization Act of 2013* (Sponsor: Sen. Christopher Coons), August 8, 2014. (Related House bill: H.R. 3706, Victims of Child Abuse Act Reauthorization Act of 2013 (Sponsor: Rep. Ted Poe)).
- P.L. 113–174, H.R. 5134, To extend the National Advisory Committee on Institutional Quality and Integrity and the Advisory*

*Committee on Student Financial Assistance for one year* (Sponsor: Rep. Virginia Foxx), September 26, 2014  
*P.L. 113–295, H.R. 5771, Tax Increase Prevention Act of 2014* (Sponsor: Rep. Dave Camp), December 19, 2014.

#### LEGISLATION WITHIN COMMITTEE JURISDICTION ENACTED INTO LAW

*P.L. 113–168, S. 1086, Child Care and Development Block Grant Act of 2014* (Sponsor: Sen. Barbara Mikulski), November 26, 2014.  
*P.L. 113–235, H.R. 83, Consolidated and Further Continuing Appropriations Act, 2015* (Sponsor: Rep. Donna Christensen), December 16, 2014.

#### OVERSIGHT PLAN SUMMARY AND CORRESPONDENCE

On January 22, 2013, the committee adopted an oversight plan for the 113th Congress. Oversight is a core function of committee operations. As such, the committee works to thoroughly monitor and investigate the various agencies, departments, and programs within its jurisdiction. The committee's oversight plan ensures this work is well-informed and Congress meets its responsibility for evaluating the effectiveness and administration of federal laws. Diligent oversight of federal programs will help promote policies that promote economic growth, support a stronger workforce, and improve education in America.

Conducting oversight is an established responsibility of the Congress. The power to gather information and investigate is essential and inherent to the legislative process. It is Congress's obligation to monitor proposed federal rules to ensure laws are implemented as Congress intends. Likewise, Congress has the power to obtain information and conduct investigations to improve agency implementation of existing laws and inform the development of any needed legislation. Congress also exercises this power when examining situations involving waste, fraud, and abuse. In the end, taxpayers benefit from a robust examination of current practices.

The committee's oversight plan for the 113th Congress identified several particular issues of interest:

- Implementation of Elementary and Secondary Education Programs and Projects
- Access for Students to Postsecondary Education Programs
- Implementation of Early Childhood Care and Education Programs
- Access to Safe and Secure Learning Environments for Children
- Access to Effective Workforce Training Programs and Activities
- Administration of Retirement Security Programs
- Administration of Union Democracy
- Implementation of Health Care and Employer-sponsored Health Benefits Plans
- Administration of Workplace Safety Requirements

To evaluate the effectiveness and administration of federal laws, the committee initiated the following correspondence in the second session of the 113th Congress:

January 7, 2014—Letter to Secretary Arne Duncan, U.S. Department of Education, regarding the selection of a fair and balanced

- panel of rulemaking negotiators representing diverse perspectives on the higher education issues under consideration.
- January 8, 2014—Letter to Secretary Arne Duncan, U.S. Department of Education, requesting additional information on the implementation of the administration's 8 Keys to Success: Supporting Veterans, Military, and Military Families on Campus.
- January 14, 2014—Letter to Assistant Secretary David Michaels, Occupational Safety and Health Administration, U.S. Department of Labor, requesting documents and correspondence relating to OSHA's recent practice of using non-regulatory guidance to significantly change regulatory policy.
- January 23, 2014—Letter to Assistant Secretary David Michaels, Occupational Safety and Health Administration, U.S. Department of Labor, requesting a 30-day extension of the comment period for OSHA's Occupational Exposure to Respirable Crystalline Silica proposed rule.
- February 3, 2014—Letter to Secretary Kathleen Sebelius, U.S. Department of Health and Human Services, requesting documentation regarding preferential treatment of Taft-Hartley health insurance plans and requirements of the Patient Protection and Affordable Care Act.
- February 5, 2014—Letter to Secretary Tom Vilsack, U.S. Department of Agriculture, requesting to be kept apprised of the waiver process implementation of nutrition standards.
- February 12, 2014—Letter to President Barack Obama, requesting a briefing from the Domestic Policy Council about his plans for additional executive actions regarding the nation's higher education challenges.
- February 12, 2014—Letter to Secretary Arne Duncan, U.S. Department of Education, and Attorney General Eric Holder, U.S. Department of Justice, regarding guidance from the departments limiting the ability of educators to enforce appropriate discipline policies.
- February 25, 2014—Letter to Secretary Arne Duncan, U.S. Department of Education, requesting information about the 50-state strategy on teacher equity.
- March 20, 2014—Letter to Secretary Thomas E. Perez, U.S. Department of Labor, expressing concerns about whether the Office of Federal Contract Compliance Programs' moratorium on the enforcement of affirmative obligations for hospitals and health care providers due to their relationship with TRICARE would sufficiently address the concerns of stakeholders.
- March 25, 2014—Letter to Chairman Mark Pearce, National Labor Relations Board (NLRB), requesting a 30-day extension of the comment period for the NLRB's February 6, 2014, representation-case procedures proposed rule.
- April 3, 2014—Letter to Administrator Marilyn Tavenner, Centers for Medicare and Medicaid Services, regarding the guidance released by the Center for Consumer Information and Insurance Oversight on March 26, 2014, to continue processing consumers who qualify for a special enrollment period beyond March 31, 2014.
- April 7, 2014—Letter to Chairman Mark Pearce, National Labor Relations Board (NLRB), stating opposition to the NLRB's February 6, 2014, representation-case procedures proposed rule.

- April 10, 2014—Letter to Secretary Thomas E. Perez, U.S. Department of Labor, expressing concerns that the Wage and Hour Division's June 18, 2013, memorandum increasing health and welfare pay under the Service Contract Act and Executive Order 13658 will negatively impact the services received by servicemembers and their families through military exchanges and morale, welfare, and recreation programs and requesting DOL work with the U.S. Department of Defense to exempt federal contractors who provide services through these programs.
- April 25, 2014—Letter to Comptroller General Gene L. Dodaro, U.S. Government Accountability Office, regarding fraud in the Child Care and Development Fund.
- May 8, 2014—Letter to Secretary Thomas E. Perez, U.S. Department of Labor, requesting a briefing from the Bureau of International Labor Affairs concerning its implementation of the Victims of Trafficking and Violence Protection Act.
- May 21, 2014—Letter to Assistant Secretary David Michaels, Occupational Safety and Health Administration, U.S. Department of Labor, requesting information related to its online training program conducted by third-party trainers.
- May 23, 2014—Letter to Secretary Arne Duncan, U.S. Department of Education, requesting clarification of the interest rate benefits available to active-duty military under the Servicemembers Civil Relief Act.
- May 23, 2014—Letter to Secretary Eric Holder, U.S. Department of Justice, requesting clarification of the interest rate benefits available to active-duty military under the Servicemembers Civil Relief Act.
- May 27, 2014—Letter to Secretary Arne Duncan, U.S. Department of Education, regarding concerns with several provisions included in the draft gainful employment regulation published on March 25, 2014.
- May 30, 2014—Letter to Secretary Thomas E. Perez, U.S. Department of Labor, requesting information about changes made to the U.S. Department of Labor's Civil Rights Center's external enforcement programs, which are responsible for enforcing non-discrimination and equal opportunity laws.
- June 26, 2014—Letter to Dr. Mark Emmert, President of the National Collegiate Athletic Association (NCAA), requesting information regarding the steps taken by the NCAA to address issues facing student athletes.
- July 7, 2014—Letter to Secretary Thomas E. Perez, U.S. Department of Labor, requesting documentation and a briefing to ensure the U.S. Department of Labor is protecting the health and safety of youth working on tobacco farms.
- July 8, 2014—Letter to Chairman Mark Pearce, National Labor Relations Board (NLRB), requesting a briefing regarding the NLRB's planned response to the Supreme Court's Noel Canning decision, holding that President Obama's January 2012 recess appointments to the NLRB are unconstitutional.
- July 10, 2014—Letter to Comptroller General Gene L. Dodaro, U.S. Government Accountability Office, requesting information regarding U.S. Department of Labor's Office of Federal Contract Compliance Program's nondiscrimination enforcement activities.

- July 11, 2014—Letter to Secretary Thomas E. Perez, U.S. Department of Labor, requesting the department withdraw the Wage and Hour Division’s All Agency Memorandum 212 and March 22, 2013, guidance letter, which together expand the application of the Davis Bacon Act to survey technicians.
- July 28, 2014—Letter to Chair Jacqueline A. Berrien, U.S. Equal Employment Opportunity Commission (EEOC), requesting a response to the concerns raised by Commissioners Barker and Lipnic regarding EEOC guidance on pregnancy discrimination.
- July 31, 2014—Letter to Secretary Arne Duncan, U.S. Department of Education, requesting all guidance, procedures, protocols, or training materials provided to staff for assessing compliance with federal laws, regulations, and other requirements.
- August 8, 2014—Letter to General Counsel David Lopez, U.S. Equal Employment Opportunity Commission (EEOC), requesting documents regarding the EEOC’s enforcement practices and priorities.
- August 12, 2014—Letter to Comptroller General Gene L. Dodaro, U.S. Government Accountability Office, requesting a study of the U.S. Department of Education’s waiver policies under the Elementary and Secondary Education Act.
- September 4, 2014—Letter to Secretary Thomas E. Perez, U.S. Department of Labor, Secretary Arne Duncan, U.S. Department of Education, and Secretary Sylvia Mathews Burwell, U.S. Department of Health and Human Services, regarding the views on the legislative intent underlying the Workforce Innovation and Opportunity Act.
- September 16, 2014—Letter to General Counsel Richard Griffin, National Labor Relations Board, requesting information regarding the joint-employer test under the National Labor Relations Act.
- September 29, 2014—Letter to Assistant Secretary Joe Main, Mine Safety and Health Administration, U.S. Department of Labor, and Director John Howard, National Institute for Occupational Safety and Health, Centers for Disease Control, requesting information concerning their respective agencies’ implementation of the Lowering Miners’ Exposure to Respirable Coal Mine Dust, Including Continuous Personal Dust Monitors final rulemaking.
- September 30, 2014—Letter to Secretary Thomas E. Perez, U.S. Department of Labor, requesting DOL suspend the planned implementation of its final rule entitled “Application of the Fair Labor Standards Act to Domestic Service” so that state Medicaid programs can better prepared for implementation.
- October 28, 2014—Letter to Comptroller General Gene L. Dodaro, U.S. Government Accountability Office, requesting answers regarding the GAO review of the changes to school nutrition.
- November 14, 2014—Letter to General Counsel Richard Griffin, National Labor Relations Board, requesting a briefing regarding NLRB’s August 8, 2014 guidance to personnel concerning steps they should take to identify alleged wrongdoing under the Occupational Safety and Health Act and the Fair Labor Standards Act.
- December 3, 2014—Letter to Director Patricia A. Shiu, Office of Federal Contract Compliance Programs, U.S. Department of Labor, requesting OFCCP allow the public 60 days to provide

comments on its rule implementing Executive Order 136772, which prohibits federal contractors from discriminating on the basis of sexual orientation and gender identity.

December 11, 2014—Letter to Secretary Thomas E. Perez, U.S. Department of Labor, regarding the legislative intent underlying the Pay for Performance provisions in the Workforce Innovation and Opportunity Act.

December 16, 2014—Letter to Secretary Thomas E. Perez, U.S. Department of Labor, regarding the legislative intent underlying the at-risk youth and Job Corps provisions in the Workforce Innovation and Opportunity Act.

#### COMMITTEE ACTIVITY STATISTICS—113TH CONGRESS

Total Number of Hearings—67

Total Number of Field Hearings—6

Total Number of Bills and Other Committee Materials Considered in Markup Session—16

Total Number of Filed Legislative Reports—14

Total Number of House Bills Referred—669

Total Number of Bills Referred to the Committee with House Passage—31

Total Number of Bills Referred to the Committee Enacted into Law—11

Total Number of Bills within Committee Jurisdiction Enacted into Law—2

Total Number of Initiated Oversight Correspondence—208

## MINORITY VIEWS

**Early Childhood.** Research is clear on both the short- and long-term positive outcomes of quality preschool programs, including reduction of achievement gaps in elementary and secondary education and significant returns on investment. Committee Democrats have shown their commitment to improving access to high-quality early learning opportunities by leading and backing comprehensive legislation. The Strong Start for America's Children Act of 2013 (H.R. 3461) would expand effective state initiatives aimed at improving school readiness.

In the second half of the 113th Congress, two essential components of this proposal were approved by Congress in the FY 2014 and FY 2015 omnibus appropriations measures, adding \$1.5 billion to state and local investments in quality early education.

However, large percentages of disadvantaged eligible children continue to lack access to quality early learning programs. Business, school, law enforcement, military, and economic leaders have all expressed broad agreement that increasing such strategic investments in early childhood education are critical to our country's economic growth and military readiness. Despite this widespread consensus, the Committee took no action on this important policy issue in the 113th Congress, besides holding a hearing at which Committee Republicans focused on complaints about the number of federal programs that include early learning funding.

Despite the inaction on expanding high-quality preschool in states, Committee Republicans and Democrats worked in a bipartisan manner to comprehensively strengthen child care quality and safety by reauthorizing the Child Care and Development Block Grant (CCDBG) in the 113th Congress, which was signed by President Obama in November. The law, which had not been reauthorized in 18 years and had been due for an update since 2002, will positively impact millions of children and families nationwide.

**Child Nutrition.** The Committee plays a critical role in the fight against hunger and the childhood obesity epidemic. In the 111th Congress, Committee Democrats led efforts to address these issues through enacting the Healthy, Hunger-Free Kids Act (HHFKA). Democrats continue to support food standards that are based on nutrition science, not politics. These programs are also part of the Child Nutrition Act, which is due for reauthorization next year.

The Committee should also exercise leadership in supporting federal efforts to combat hunger among children in low-income families by improving food delivery and nutritionally valuable strategies in the Summer Food Service Program; the Child and Adult Care Food Program; and the Supplemental Program for Women, Infants, and Children (WIC). When considering both the Child Nutrition Act reauthorization and support for other programs serving

low-income families, Committee members should ensure that programs include nutritious components and not permit well-financed industry interests to dictate food content.

Committee Democrats remain concerned about the significant cuts made to the Supplemental Nutrition Assistance Program (SNAP) in the Federal Agriculture Reform and Risk Management (FAARM) bill enacted last year. These reductions and eligibility changes are causing many low-income families and children to lose critical nutrition assistance and may impact participants of the Free and Reduced Lunch Program. The committee should act to examine the effects of these new policies on children's health, development, and education, but has not done so.

**Child Safety.** The safety of our children should be the highest priority for this Committee. In 2014, Committee Republicans and Committee Democrats collaborated on three bipartisan child welfare bills that passed the House to support children who are victims of sex trafficking. These bills proposed to amend the Child Abuse Prevention and Treatment Act (CAPTA), the Runaway and Homeless Youth Act, and the Missing Children's Assistance Act. Unfortunately, the Senate failed to consider the bills, preferring to wait for the reauthorization of these acts. Committee Democrats are optimistic that the Committee's sincere bipartisan efforts on child welfare will continue into the 114th Congress and the progress made this past year on the trafficking bills will be integrated into the updates of federal laws.

HHS completed several reports in 2013 jointly requested by Committee Republicans and Committee Democrats on child abuse prevention and treatment. Committee Republicans still held no hearings on abusive seclusion and restraint practices in schools, child abuse in residential programs for teens, further prevention of and responses to sexual predators in schools and youth athletic programs, and the health risks for student athletes posed by concussions. Such hearings are essential for a thorough examination of legislative options that could lead to stronger protections for vulnerable children.

Additionally, Committee Democrats reintroduced legislation this session to protect student athletes from concussions. Sports-related youth concussions are a growing concern, with recent research estimating 1.6–3.8 million injuries occurring each year. The Protecting Student Athletes from Concussions Act would, for the first time, set minimum safety standards for concussion management in public schools across the country with plans that educate students, parents, and school personnel about how to recognize and respond to concussions.

**K–12 Education.** Funding for K–12 education programs, including special education services for students with disabilities, remains below pre-sequester levels. Committee Democrats will continue to fight for, not only a restoration of funding levels, but additional investment.

Committee Democrats will also once again seek to work on a bipartisan basis toward consensus-driven solutions to reauthorize the Elementary and Secondary Education Act (ESEA). Committee Republicans must abandon their highly partisan and ideologically

driven reauthorization approach and work with Committee Democrats to develop a bipartisan ESEA reauthorization bill.

Since 1965, the nation has seen marked progress not only in areas of equity and fairness, but also in student achievement. Committee Democrats believe that ESEA reauthorization legislation should retain the law's critical focus on civil rights and equity while modernizing the education system. ESEA should set high standards and goals for college and career readiness. It should support a modern assessment system; maintain accountability for all students; provide states, districts, and schools with the flexibility to improve schools based on their student, school, and community needs; support a professional environment for teachers and school leaders and provide them with the information and resources necessary to succeed; ensure performance is transparent to parents and communities so that they can participate in their schools and support their success; and support consolidated funding streams for literacy, science, technology, engineering, and mathematics (STEM), a well-rounded education, wrap-around services, and increased learning time. Additionally, ESEA reauthorization should not set arbitrary caps on funding critical investments in education. Nor should the reauthorization abandon a focus on ensuring states and localities maintain their fair share of funding.

To support such an effort, we must continue to focus on the core education programs, including Title I and Title II of ESEA. Additionally, Committee Democrats believe we must fund programs in the most efficient ways and provide districts with increased flexibility to support the needs of their students. Accordingly, Committee Democrats support consolidating funding streams around areas of critical need to create more efficient programs for schools and districts, with increased flexibility in how funds are used while providing accountability to taxpayers regarding how funds are spent. This year, Committee Democrats remain committed to reauthorizing ESEA, but only in a manner that continues to support equity in education to ensure that all students have the opportunity to succeed.

**Students with Disabilities.** Committee Democrats remain committed to meeting the developmental and educational needs of children with disabilities to empower each individual to pursue opportunities for independent living and full integration into society. To meet these needs, Committee Democrats will fight for access to high standards and meaningful high school degrees for students with disabilities in any effort to reauthorize the ESEA. Additionally, Committee Democrats will continue to work alongside Committee Republicans to ensure successful implementation of Title IV of the Workforce Innovation and Opportunity Act (WIOA) of 2014 to increase alignment and quality of services for students with disabilities as they transition from K-12 education to postsecondary success. Committee Democrats will fight to be sure any reauthorization of the Individuals with Disabilities Education Act continues to provide schools with resources and supports so students with disabilities are held to high academic and achievement standards and gain access to general education curriculum.

**Higher Education.** During the recession, states slashed higher education funding, causing tuition to increase for millions of stu-

dents and families. As costs have increased, more students have relied on student loans in order to pay for school. Today almost two-thirds of college graduates must borrow to finance their education, and their average loan debt is more than \$27,000.<sup>i</sup> High debt levels have rippling impacts on our economy and borrowers' lives.

Committee Democrats have fought to protect students' ability to obtain an affordable higher education and will continue to fight for a robust Pell Grant program for years to come. The increasing cost of higher education continues to be a chief concern for American families; in the past five years, the average tuition and fees at four-year public colleges have increased by 17 percent.<sup>ii</sup> Congressman Tierney introduced the Bank on Students Emergency Loan Refinancing Act to allow borrowers to refinance federal and private student loans at lower rates. House Democrats pressed for its consideration, yet Republicans refused to act on this critical bill that would help borrowers save thousands of dollars over the life of their loans.

Committee Democrats support efforts to help more students achieve affordable high-quality degrees, certificates, and other credentials needed to compete in today's marketplace. Committee Democrats worked with Committee Republicans last summer to pass three bipartisan bills on competency-based education, financial aid counseling, and data transparency, and will continue to work to make sure students have the right information needed to make informed choices about the college they will attend and the way they finance their education.

With respect to oversight of higher education and student aid programs, Committee Democrats have sought to both protect students and safeguard taxpayer funds, continuing investigative work on the quality of servicing provided by federal student loan servicers, the problems of predatory marketing practices and hidden fees in on-campus debit cards contracted by some institutions to disburse federal student aid, and issues confronting private student borrowers attempting to repay their debt. Committee Democrats hope that, with the Higher Education Act expiring in 2015, reauthorization efforts will be aided by this oversight work and the Majority will work with Democrats to pursue ways to make college more affordable, control costs, and ensure the quality of higher education.

**Economic Security.** Even as the economy shows positive signs of growth with 57 consecutive months of job growth during which the private sector added 10.9 million jobs, many American families continue to struggle to make ends meet. Committee Democrats were proud to work on the bipartisan reauthorization of federal workforce programs. The Workforce Innovation and Opportunity Act (WIOA) will improve our nation's workforce development system and help put Americans back to work. Now more than ever, effective education and workforce development opportunities are critical to a stronger middle class. WIOA will help strengthen a system that prepares workers for the 21st century workforce, while

<sup>i</sup>The College Board, Trends in Student Aid 2014, available at <http://trends.collegeboard.org/sites/default/files/2014-trends-student-aid-final-web.pdf>

<sup>ii</sup>The College Board, Trends in College Pricing 2014, available at <http://trends.collegeboard.org/sites/default/files/2014-trends-college-pricing-final-web.pdf>

helping businesses find the skilled employees they need to compete and create jobs in America.

Committee Democrats also have pushed for priority legislation, such as H.R. 1010, the Fair Minimum Wage Act of 2013, and H.R. 5159, the Schedules that Work Act, to provide basic labor protections for low-wage workers who are working hard to provide for their families. Raising the minimum wage has broad bipartisan support. Yet Committee Republicans refuse to bring the bill before the Committee and the Republican leadership refuses to schedule it for a vote. One hundred ninety five Democrats joined together to sign a discharge petition to bring H.R. 1010 to the Floor. No Republicans joined the petition. H.R. 1010 increases the minimum wage from \$7.25 to \$10.10 per hour in three steps. The rate will then be indexed to inflation each year thereafter. In addition, the legislation will increase the required cash wage for tipped workers from today's \$2.13 per hour until the tip credit reaches 70 percent of the regular minimum wage. A federal minimum wage of \$10.10 has broad public support. Moreover, this year four states—Alaska, Arkansas, Nebraska, and South Dakota—saw ballot measures approved to raise their minimum wages. Ten states—Connecticut, Delaware, Hawaii, Maryland, Massachusetts, Michigan, Minnesota, Rhode Island, Vermont, and West Virginia—and the District of Columbia enacted legislation to increase their state minimum wages. Additionally, the minimum wages in Arizona, Colorado, Florida, Missouri, Montana, New Jersey, Ohio, Oregon, and Washington will increase as a result of indexing. With 29 states and DC having minimum wages above the federal minimum and numerous city and local increases taking effect, it is time for the federal government to act. While progress has been made in states and localities, workers in every state deserve to benefit from an increase in the minimum wage.

Increasing the minimum wage is about fairness, about boosting the economy, and about ending a practice that allows companies to exploit workers through low wages. A \$10.10 minimum wage would give a raise to some 25 million workers nationwide, two-thirds of whom are women. The vast majority of these workers are adults (88 percent), and the additional household income would benefit some 14 million children. In addition, increasing the minimum wage to \$10.10 will generate \$35 billion in increased compensation for working families, some \$22 billion in increased economic activity for business, and create 85,000 additional jobs—providing an important boost for our economy.

Committee Democrats will also push for H.R. 5159, the Schedules that Work Act, legislation that works to combat abusive scheduling practices that create erratic and unpredictable work schedules for low wage workers. The Schedules That Work Act helps families balance their responsibilities at work and at home, while still respecting the needs of employers. Employees who work hard for a living should have some certainty about their work schedules, so they can plan their childcare, caregiving duties, transportation, or simply their time to pay bills and manage their household.

**Workers' Rights.** Committee Republicans continued their attacks on the rights of hard-working Americans with the introduction of H.R. 4320, the Workforce Democracy and Fairness Act, and

H.R. 4321, the Employee Privacy Protection Act, in response to proposed reforms to the election representation case procedures. The now-final NLRB rule modernizes and streamlines the election representation case process to eliminate unnecessary delays, reduce frivolous litigation, and increase transparency. This rule eliminates the 35-day waiting period, and under the new procedures a regional director will schedule a pre-election hearing eight days after a hearing notice is served. In contrast, H.R. 4320 mandates delay by requiring that elections be scheduled at least 35 days after the filing of a petition. The bill also requires a 14-day delay prior to a hearing, which is twice the minimum mandated by the Republican-controlled board in 2002.

Similarly, H.R. 4321, the Employee Privacy Protection Act, would delay NLRB elections by prohibiting the circulation of the voter list to unions for at least seven days after a final determination by the Board is made regarding the appropriate bargaining unit. Under the NLRB rule, this list must be circulated within two business days of the regional director's approval of an election agreement or direction of an election. The bill also limits the contact information that may be provided to unions beyond home addresses to either email or telephone numbers, as opposed to the Board rule which allows unions to receive access to both. The Republican bill substantially disadvantages the fair choice of employees by allowing employers access to emails, calls, and captive audience meetings, while at the same time limiting union's access to additional contact through the "voluntary" selection of the employee. By not allowing unions to contact workers, H.R. 4321 prevents the creation of the level playing field the National Labor Relations Act is intended to produce in a representation election.

Taken together, these bills undermine the laudable rule from the NLRB, which streamlines and updates the representation case procedure to ensure workers can exercise their right to organize and bargain collectively. Our economy and country are stronger when workers can exercise their fundamental rights. These bills undermine workers' rights while doing nothing to better workers' lives or give them a voice at work.

**Mine Safety and Health.** Committee Democrats have repeatedly pressed for bipartisan efforts to reform mine safety laws, but those efforts have been consistently rebuffed by Committee Republicans. In the 113th Congress, Committee Republicans held no hearings on mine safety and health. Despite repeated testimony by the Assistant Secretary of Labor for Mine Safety calling for reform legislation that would give MSHA additional tools to protect miners in light of the 2010 Upper Big Branch (UBB) mine disaster, Committee Republicans have stalled, stating instead that they will wait for all of the UBB accident investigation reports to be completed before considering legislative reforms. Six investigation reports have long been completed; the last report was received nearly three years ago. A Committee hearing was held in the 112th Congress to review these reports, and the Assistant Secretary for Mine Safety reiterated the agency's call for legislation. In addition, family members of deceased UBB miners met with Republican and Democratic leaders of the Committee, asking them to take legislative action. Yet no legislative action has been taken. Democrats intro-

duced the Robert C. Byrd Mine Safety Protection Act of 2013 (H.R. 1373), which includes legislative recommendations made by the West Virginia Governor's Independent Investigation Panel, MSHA, and the DOL Inspector General. On April 9, 2014, four years after the April 5, 2010, disaster at UBB, Senior Democratic Member Miller offered H.R. 1373 as an amendment to the Workforce Democracy and Fairness Act (H.R. 4320). It was ruled non-germane, and no vote was permitted on the legislation.

**Occupational Safety and Health.** In 2013, 4,405 workers were killed on the job from traumatic injuries, according to preliminary data from the Bureau of Labor Statistics, and at least 3.75 million workers incurred occupational injuries or illnesses. Disabling injuries cost the economy between \$159 and \$318 billion in both direct and indirect costs. The April 17, 2013, ammonium nitrate explosion at the West Chemical fertilizer plant—which took the lives of 15 first responders, injured nearly 200, and leveled much of the West, Texas community—has raised questions about the shortage of OSHA inspectors, questionable regulatory exemptions, and inadequate standards. Committee Democrats requested that GAO investigate. Its report, *Chemical Safety: Actions Needed to Improve Federal Oversight of Facilities with Ammonium Nitrate* (GAO-14-274), identified numerous regulatory gaps that could allow similar catastrophic events at facilities across the nation. Following the report's release, Committee Democrats issued recommendations to the president's Chemical Facility Safety and Security Working Group urging action to close loopholes in the regulations and policies at the Occupational Safety and Health Administration (OSHA).

Rather than enacting pro-worker safety laws that would require employers to promptly abate safety violations, expand coverage for state and local government workers, provide for modern whistleblower protections, or speed the adoption of standards to prevent combustible dust explosions, Committee Republicans have challenged OSHA's ability to disseminate information on more protective health standards, urged delay on an overdue standard to prevent silicosis, and opposed efforts to require employers to find and fix hazards as part of an injury and illness prevention program. In the 113th Congress, the Majority has taken no legislative action to improve workplace safety and health.

Democrats believe our nation's job safety laws must be strengthened. The Protecting America's Workers Act (H.R. 1648) would bring the Occupational Safety and Health Act of 1970 into the 21st century. The Offshore Oil and Gas Worker Whistleblower Protection Act of 2013 (H.R. 1649) would implement a key recommendation from the National Commission on the Deepwater Horizon Oil Spill and Offshore Drilling. The Worker Protections Against Combustible Dust Explosions and Fires Act of 2013 (H.R. 691) would speed the adoption of regulations needed to prevent combustible dust explosions and fires.

**Workers' Compensation Programs.** The Committee has worked on a bipartisan basis to assess Senate and Administration legislative proposals to cut workers' compensation benefits under the Federal Employees Compensation Act. The Government Accountability Office (GAO) evaluated the impact of these proposals on federal and postal workers injured or killed in the line of duty.

Committee Democrats have worked to ensure that federal and postal workers are not made economically worse off from injuries incurred in the line of duty than if they had not been injured in the first place while ensuring taxpayers' interests are fairly protected through necessary program integrity measures.

Committee Democrats have examined the fairness of claims determinations under the Black Lung Benefits Act, which has been tilted against claimants by a disparity in medical and legal resources between coal miners and well-financed coal companies. Investigations into the program revealed that coal mine operators and their attorneys have defeated claims by hiring doctors at prestigious medical centers who systematically failed to diagnose the most advanced forms of black lung disease or by withholding medical evidence from miners, surviving spouses, and judges that would have proven the miners' eligibility for benefits. Further budget cuts have reduced the number of administrative law judges (ALJs) and led to extensive delays before claims are adjudicated. Committee Democrats requested a program review by the DOL Inspector General, secured funding for additional ALJs in the Fiscal Year 2015 Consolidated and Further Continuing Appropriations Act (H.R. 83), and introduced the Black Lung Benefits Improvement Act of 2014 (H.R. 5751), in conjunction with U.S. Representative Matt Cartwright, to reform the program so that claimants who have meritorious claims will actually receive the benefits that they are entitled to under the law.

**Health Care.** The Affordable Care Act (ACA) is resulting in real savings, providing greater health care security for millions of families, and helping to strengthen the economy. Millions<sup>iii</sup> of Americans have purchased health coverage through the new health insurance marketplaces, many with financial assistance through the form of an advanced tax credit.<sup>iv</sup> More Americans are expected to use the marketplaces to purchase coverage for the 2015 plan year.<sup>v</sup> In addition, the health law protects American families against some of the worst abuses of the health insurance industry. The law's rate review and medical loss ratio provisions have saved Americans an estimated \$2.8 billion in rebates and reductions in

<sup>iii</sup> ASPE Issue Brief, "Health Insurance Marketplace: Summary Enrollment Report for the Initial Annual Open Enrollment Period," (May 2014). Available at: [http://aspe.hhs.gov/health/reports/2014/MarketPlaceEnrollment/Apr2014/ib\\_2014Apr\\_enrollment.pdf](http://aspe.hhs.gov/health/reports/2014/MarketPlaceEnrollment/Apr2014/ib_2014Apr_enrollment.pdf)

<sup>iv</sup> *ibid*

<sup>v</sup> ASPE Issue Brief, "How Many Individuals Might Have Marketplace Coverage after the 2015 Open Enrollment Period?" (Nov 2014). Available at: [http://aspe.hhs.gov/health/reports/2014/Targets/ib\\_xxTargets.pdf](http://aspe.hhs.gov/health/reports/2014/Targets/ib_xxTargets.pdf)

<sup>vi</sup> U.S. Department of Health and Human Services, "Rate Review Annual Report for Calendar Year 2013" (Sept. 2014). Available at: [http://aspe.hhs.gov/health/reports/2014/RateReview/rpt\\_xxRateReview.pdf](http://aspe.hhs.gov/health/reports/2014/RateReview/rpt_xxRateReview.pdf)

<sup>vii</sup> ASPE Issue Brief, "Under The Affordable Care Act, 105 Million Americans No Longer Face Lifetime Limits on Health Benefits," (Mar. 2012).

<sup>viii</sup> U.S. Department of Health and Human Services, "At Risk: Pre-Existing Conditions Could Affect 1 in 2 Americans: 129 Million People Could Be Denied Affordable Coverage Without Health Reform," available at: <http://www.healthcare.gov/news/reports/preexisting.html>

<sup>ix</sup> The Commonwealth Fund, "Young, Uninsured and in Debt: Why Young Adults Lack Health Insurance and How the Affordable Care Act Is Helping," (June 2012).

<sup>x</sup> U.S. Department of Health and Human Services, "Press release: 7.9 million people with Medicare have saved over \$9.9 billion on prescription drugs," (March 2014). Available at: <http://www.cms.gov/Newsroom/MediaReleaseDatabase/Press-releases/2014-Press-releases-items/2014-03-21.html>

<sup>xi</sup> CMS.gov "Beneficiaries Utilizing Free Preventative Services by State, YTD 2013" (Accessed Dec 2014). Available at: <http://downloads.cms.gov/files/Beneficiaries-Utilizing-Free-Preventive-Services-by-State-YTD2013.pdf>

their premiums in 2012 and 2013.<sup>vi</sup> One hundred and five million Americans no longer face a lifetime limit on their coverage;<sup>vii</sup> up to 17 million children with pre-existing conditions can no longer be discriminated against or denied coverage due to that condition;<sup>viii</sup> and 6.6 million young adults can now have coverage through their parents' plan.<sup>ix</sup> Seniors have also seen greater access to coverage and lower costs. More than 7.9 million people with Medicare have saved over \$9.9 billion on prescription drugs.<sup>x</sup> Last year, more than 37 million also received free preventative benefits.<sup>xi</sup> However, since the ACA was signed into law, it has been under an unprecedented assault by the Majority, who have held dozens of hearings to criticize the law and brought more than 50 votes to repeal it to the House Floor. Instead of trying to work with Democrats to make improvements to the law where necessary, the Majority has been singularly focused on destroying the ACA and taking away millions of Americans' opportunity to access health care for the first time. Committee Democrats remain committed to working with the Administration and consumers to ensure that the ACA is fully and properly implemented.

**Pensions and Retirement Security:** Retirement security remains a critical concern for millions of Americans. Senior Democratic Member Miller and Chairman Kline worked on a bipartisan basis to tackle the imminent crisis in multi-employer pension plans. Over one million Americans currently have their retirement savings in multiemployer pension plans that are expected to collapse in the near future. The failure of these plans will put every worker with a multiemployer pension at significant risk by bankrupting the Pension Benefit Guaranty Corporation (PBGC), which serves as the federal backstop charged with protecting these workers' pensions. Retirees would have been left with nothing. The Multiemployer Pension Reform Act of 2014, included in the Omnibus Appropriations Act, will provide the critical flexibility necessary to keep pension plans from going under and causing workers to lose everything. It was the Democratic Minority's advocacy that holds harmless disabled retirees from benefit reductions and includes protections for retirees 75 and older. In addition, Democrats insisted on a process that includes important consumer safeguards to give participants in these plans a voice, to protect the most vulnerable retirees, and made sure that trustees cannot unilaterally reduce benefits. The proposal requires a vote by plan participants of any proposed benefit adjustments that take effect. This provision includes a fail-safe mechanism for those plans that present a systemic risk to the multiemployer pension system. This reform trusts the collective bargaining process and gives plan trustees and workers the ability to choose whether or not to make modifications to their multiemployer pension plan before it is too late and they are left with nothing.

**Civil Rights.** Committee Democrats remain committed to ensuring that workers are protected against discrimination in the workplace and have worked to strengthen those protections. In contrast, Committee Republicans spent this Congress attacking the EEOC and its efforts to enforce those protections.

The Committee has had numerous opportunities to strengthen the nation's civil rights laws and bring them into the twenty-first

century. Last fall the Senate overwhelmingly passed the Employment Non-Discrimination Act by a vote of 64–32. Committee Democrats will continue to fight for consideration of this bill until it receives a vote on the Floor and becomes law. Committee Democrats also remain committed to strengthening other areas of the nation’s civil rights laws. Committee Democrats fully support the President’s executive order to modernize the equal opportunity employment laws that govern federal contractors, although the Committee Majority has already sought to challenge the legality of the EO’s implementation. Committee Democrats will continue to press for consideration of legislation and protect against age discrimination, pay discrimination, and workplace harassment and retaliation. This year Committee Democrats introduced legislation to remedy the Supreme Court’s decision in *Vance v. Ball State University* by holding employers responsible for workplace harassment. Committee Democrats will also continue to work with the Equal Employment Opportunity Commission and the Department of Labor’s Office of Federal Contract Compliance Programs in their efforts to protect the rights of workers and strengthen their opportunities in the workforce.

GEORGE MILLER,  
*Senior Democratic Member.*  
 MARK POCAN.  
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